

EXHIBIT 11

MAKING A DIFFERENCE

PSEA fights and wins for Selinsgrove EA members

Thanks to PSEA, Selinsgrove Education Association member Kanda Baney is back doing what she loves best—teaching students in the alternative education program.

In January 2004, Baney and another alternative education teacher were fired from their jobs, but a successful arbitration award has ensured both teachers that they could not only keep their full-time positions, but also receive reimbursement for their tuition expenses.

Both alternative education teachers were fired by the superintendent after Baney sought reimbursement for college tuition costs, which is provided by the contract. At that time, it was discovered that both teachers were being paid temporary staff wages, not receiving fringe benefits and being treated as “at will” employees.

In 2001, the district hired the two teachers for their Alternative Education Program and provided them with only an hourly wage and no contract.

When Selinsgrove EA President Cathy Jamiolkowski approached the superintendent about the inequity, the district maintained that the two teachers were not part of the bargaining unit. Therefore, they would not be entitled to receive the negotiated salary and benefits.

The next day, the superintendent fired the two teachers.

“The teachers were not given any notice. They were told to pick up their material and that their services would no longer be needed,” Jamiolkowski said. “I was livid when I learned what the superintendent had done. I get extremely upset when administrators do not treat members with respect, let alone violate the contract. The superintendent felt firing them would put an end to the problem. Instead it exacerbated the situation.”

According to the arbitrator’s conclusion, “The unjust retaliatory dismissal of these two excellent teachers

constituted a violation of the contract, the School Code, the Public Employee Relations Act and was arbitrable under Pennsylvania law.”

“I remember vividly the day it happened. There was a knock at the classroom door, and it was the alternative education director. She told me that the superintendent just informed her that she was to come and dismiss me from my duties as the alternative education teacher. I was to get my things and not come to work that evening,” said PSEA member Kanda Baney. “I felt horrible at first because, at the time, the other teacher was working to pay for her health benefits. She was a single individual living alone, trying to make it by herself, and she had not saved much money. Being the mother of two young children at the time I was fired, I was not prepared either, and my husband and I had just built a new home in the school district in which I felt I had just been betrayed.”

PSEA attorney Joseph Sabadish said winning the case was a satisfying victory.

“Everyone who was familiar with the job performance of these two women, including several administrators, agreed that they were excellent teachers. Yet, they were fired a few hours after a meeting between the association representatives and the administration in retaliation for going to the union and asserting their rights under the contract and Pennsylvania law,”



Kanda Baney credits PSEA for preserving her teaching position.

Sabadish said, “I admired their courage, determination and faith in dealing with such a distressing situation.”

The award provided that the teachers be reinstated with full back pay and benefits and be paid for all losses they suffered as a result of the district’s unlawful actions.

“These women are great educators and dependable employees. I am extremely happy to have helped them gain the respect, salary and benefits they deserve. This is a perfect example of why it is important to maintain membership in our organization,” Jamiolkowski said. “It is only because of the dedicated work of our PSEA staff attorney that we won this case on all points. The members would not have been able to afford an attorney on their own and probably would have just walked away from Selinsgrove.”

Baney added, “I was fired in January. I did not return to the program until the following November when I was reinstated to my position. In the meantime, I had a difficult time finding work. If it had not been for Cathy Jamiolkowski, PSEA UniServ Michael Townes and Joe Sabadish, I would not be back at Selinsgrove teaching and doing what I love!”